THE MANAEUVRES, FIELD FIRING AND ARTILLERY PRACTICE ACT, 1938 (V OF 1938).

G. N., R. D., No. 2098/49, dated 16th February 1951 (B. G., Pt. IV-A, p. 53). S. 9 (2).

In exercise of the powers conferred by sub-section (2) of section 9 of the Manœuvres, Field Firing and Artillery Practice Act, 1938 (V of 1938), the Government of Bombay is pleased to authorise the carrying out of field firing and artillery practice with live ammunition in the area specified below during the period from the 16th February 1951 to 14th June 1961 :—

Area.

District Belgaum.

The area covered by the following villages :—

Name of taluka.	Village.	Description of land.	
		Survey No.	Approximate area.
1	2	3	4
			A. g.
Shahapur ...	Ramdurga ...	1	3 18
		2	1 35
		3	5 17
		4	6 6
		5	18 4
		6	0 22
		7	16 20
		8	92 22
		9	0 26
		10	14 13
		11	3 7
		12	20 8
		13	11 26
		14	4 38
		15	35 39
		16	14 14
		17	10 3
		18	8 29
		19	2 11
		20	5 20
		Out of Survey No. 21½	43 25
		22	11 7
		23	8 5
		24½	16 37
		25	10 7
		26	3 27
		27	10 36
		28	1 36
		29	2 3
		Out of Survey No. 30⅛	50 0
		31	17 35
		32	0 28
		Out of Survey No. 33	8 37
		Gaothan area	8 10
		Roads.	4 14
		Nalas.	20 0
		Total	495 3
		Bhutramatti	
		Out of Survey No. 1⅛	50 0
		39	18 31
		40	24 0
		41	19 7
		Roads.	2 0
		Total ...	113 38
		Grand Total ...	609 1

The area abovesaid is—

Bounded on the North by—Part of Survey No. 30 of Ramdurg.

Bounded on the West by—Part of the Forest Survey Nos. 1 and 35 and the part of Survey Nos. 21, 24–30 of the same forest.

Bounded on the South by—Part of Survey No. 1 of Bhutramatti and part of Survey Nos. 42–43–44 of the same village.

Bounded on the East by—Poona-Bangalore Road from part of Survey No. 1 of Bhutramatti to the end of Survey No. 5 of Ramdurg.

S. 13. Bombay Manœuvres and Field Firing and Artillery Practice Rules, 1940.

G. N., R. D., No. 6157/33, dated 26th March 1940 (B. G., Pt. IV-B, p. 375).

Amended by G. N., R.D., No. 6157/33, dated 19th Dec. 1940.

In exercise of the powers conferred by section 13 of the Manœuvres, Field Firing and Artillery Practice Act, 1938 (Act V of 1938), the Government of Bombay is pleased to make the following rules :—

RULES.

1. *Short title.*—These rules may be called the Bombay Manœuvres and Field Firing and Artillery Practice Rules, 1940.

2. *Definitions.*—In these Rules, unless there is anything repugnant in the subject or context—

(*a*) " the Act " means the Manœuvres, Field Firing and Artillery Practice Act, 1938 (Act V of 1938) ;

(*b*) " the Revenue Officer " means the Assistant or Deputy Collector or any other officer not lower in rank than a Mamlatdar or Mahalkari appointed in this behalf by the Collector ;

(*c*) " chavdi " means, in any village in which there is no chavdi, such place as the Collector has directed to be the chavdi for the purposes of the Bombay Land Revenue Code, 1879, or if no such direction has been issued by the Collector, such place in the village as is normally used by the village officers for the revenue work of the village ;

(*d*) " danger-zone " means any area declared to be a danger-zone under sub-section (*2*) of section 10 of the Act ;

(*e*) " evacuation " means removal from a danger-zone of persons and domestic animals ;

(*f*) " Form " means a form appended to these rules.

3. *Publication of notices required by sub-section (2) of section 2 of the Act.*—The State Government shall publish notice of its intention to issue a notification under sub-section (*1*) of section 2 of the Act in respect of any area, in Form I in the *Bombay Government Gazette*. The Collector of the district in which such area is situated shall also publish the aforesaid notice in the manner specified below, namely :—

(*a*) by publishing it in the regional language of the area in the principal news-papers circulating in such area ;

(*b*) by beat of drum in the village situated within such area and in the vicinity thereof ;

(*c*) by affixing copies of the notice in the regional language of the area in such prominent places like Court buildings, police stations, post offices, temples, mosques, chavdis, libraries, dharamshalas and other public buildings as the Collector deems fit ;

(*d*) by sending copies of the notice to selected non-official bodies and associations in the area :

(*e*) by distributing copies of the notice at public markets, fairs, and social and political gatherings, if any, held in such area and in the vicinity thereof; and

(*f*) in such other manner as the Collector of the district may deem necessary.

4. *Publication of notices required by sub-section (3) of section 9 of the Act.*—The State Government shall publish notice of its intention to issue a notification under sub-section (*2*) of section 9 of the Act in any notified area or any specified part thereof in Form II in the *Bombay Government Gazette*. The Collector of the district shall, also publish such notice in the manner specified in sub-section (*4*) of section 9 of the Act and also in the manner specified in rule 3.

5. *Precautions to be taken in the danger-zone.*—(1) The Collector of the district or any officer deputed by him in this behalf shall cause all thoroughfares, paths, by-ways and other approaches to a notified area to be guarded by sign-boards, pickets, and any other means he thinks necessary on the day of the field firing or artillery practice.

(2) The Collector of the district shall, on application made to him by the Officer commanding the forces engaged in the practice, direct the District Superintendent of Police of the District or any other officer deputed by him in this behalf to arrange for the evacuation and guarding of the danger-zone under the supervision of the Revenue Officer. Notice of such evacuation shall be given at least ten days before the date of the evacuation.

(3) The Collector shall arrange to announce by beat of drum to the inhabitants of the notified area the provisions of section 12 of the Act.

(4) The Collector or the Revenue Officer deputed by him in this behalf shall take steps, before any evacuation takes place, for the closing and sealing of houses, temple and other premises, in the presence of the owners thereof, and if the owners are absent from the danger-zone, in the presence of two Panchas residing in the danger-zone.

6. *Procedure of Revenue Officer or Officers.*—(*a*) As soon as the Revenue Officer deputed under sub-section (*1*) of section 6 or section 11 read with sub-section (*1*) of section 6 reaches the area in respect of which a notification is issued under sub-section (*1*) of section 2 or under sub-section (*1*) of section 9 of the Act, he shall fix his camp at some central place in or near the area and shall with the least practicable delay announce by beat of drum and by distribution of notices to the residents in the area, the provisions of section 6 of the Act and the place of his camp. He shall also announce that all complaints and claims for compensation shall be presented to him in person or by agent within 72 hours from such announcement and that any avoidable delay in their presentation shall render them liable to rejection.

(*b*) In respect of the villages situated in the danger-zone, the Revenue Officer shall notify to the residents of the villages that the compensation due on account of evacuation of the villages or exclusion therefrom will be paid in advance.

(*c*) The Revenue Officer may grant such advance in money as he deems necessary, to any persons requiring it for expenditure on transport, accommodation, food, fodder, or other similar purpose. Such advance shall be set off against the amount of compensation determined in accordance with the provisions of rule 7.

7. *Assessment and payment of compensations.*—(1) The Revenue Officer shall, after hearing the claimants to compensation and recording a memorandum of evidence determine the amount of compensation payable under section 5 or section 11 read with section 5. In the case of damage to crops on any land the Reveneue officer shall assess the damage after personal inspection of such land by comparing the estimated outturn of such land with the estimated outturn of neighbouring lands which have not been damaged, after making due allowance for the difference in soil or irrigation facilities or other factors affecting the outturn.

(2) After determining the amount of compensation the Revenue Officer shall cause it to be paid in his presence by the Military Compensation Officer appointed in that behalf by the Military authorities direct to the claimants :

Provided that in the case of pardanashin ladies or sick or invalid persons such compensation may be paid to their authorised agents and in the case of minors to their guardians.

8. *Scale of compensation.*—Compensation on account of exclusion from or evacuation from any place shall be paid in respect of each day on which the exclusion or evacuation is enforced at such rates as may be fixed by the Revenue Officer. Such rates shall not be less than—

(*a*) in the case of an agricultural labourer over 12 years of age, the wages per day ordinarily earned by such labourer ;

Provided that when on any day the exclusion or evacuation is for a period of less than four hours, the rate of compensation shall not be less than half the wages per day ordinarily earned by such labourer.

(*b*) in the case of any person over 12 years of age, superior in status to an agricultural labourer, such loss of earnings as the Revenue Officer estimates to have been incurred by him ;

(*c*) for the removal of a sick or invalid person ,the actual cost of removal in addition to the wages as prescribed in (*a*) above ;

(*d*) in the case of the removal of any cattle—

(*i*) wages per day ordinarily paid to the grazier in attendance on such cattle ; and

(*ii*) the cost of transport of fodder actually transported for such cattle, or of fodder consumed by such cattle.

9. *Notice of the award of compensation.*—A notice stating the amount of compensation claimed and the amount awarded by the Revenue Officer shall be served on the claimant as soon as possible after the award is made.

10. *Notice of appeal.*—The Revenue Officer shall receive and forward to the Collector any notice received by him from a claimant intimating his intention to appeal against his decision, not later than one week after the receipt of such notice. He shall forward along with such notice the records of the proceedings held by him and make such remarks as he may wish to offer.

11. *Decision of appeals.*—(1) After the receipt of such notice, the Collector shall fix a suitable date for its disposal by the Commission constituted under sub-section (*4*) of section 6 of the Act and give previous intimation of not less than a week of such date to the claimant concerned.

(2) The Commission shall record its decision in writing and such decision shall contain details of the claims made and the reasons for the decision. A copy of the decision shall on application be given to the claimant concerned free of charge.

12. *Inspection of site by members of the Commission.*—For the purpose of deciding an appeal, the Commission may depute any two of its members to inspect the place where the alleged damage has occurred and to assess the damage caused. The report of the members so deputed shall be considered by the Commission in deciding the appeal.

13. *Disbursement of compensation awarded by Commission.*—The Collector or the Revenue Officer deputed by him shall see that any amount of compensation awarded by the Commission to a claimant is actually disbursed to him.

FORM I.

(*See* rule 3.)

Form of Notice under section 2 (2) of the Act.

No. .—Notice is hereby given that, in exercise of the powers conferred by sub-section (*1*) of section 2 of the Manœuvres, Field Firing and Artillery Practice Act, 1938 (V of 1938), the State Government proposes to authorize the execution of military manœuvres over the area specified below during the period from to both days inclusive.

Area.

Name of district.	Name of taluka.	Village.	Survey numbers.

2. A summary of the main provisions of the Act and the Rules thereunder showing the rights and obligations of the residents in the area is appended hereto for general information.

3. A copy of the map of the area is also appended herewith.

4. The notification in question will be issued after the expiry of the period of three months / one month / one week from the date of publication of this notice in the *Bombay Government Gazette.*

FORM II

(*See* rule 4.)

Form of Notice under section 9 (3) of the Act.

NOTICE.

No. .—Notice is hereby given that in exercise of the powers conferred by sub-section (*2*) of section 9 of the Manœuvres, Field Firing and Artillery Practice Act (Act V of 1938), the State Government proposes to authorize the carrying out of field firing and/or artillery practice with live ammunition in the area specified below during the period from to both days inclusive.

Area.

District

The area covered by the following villages :—

Name of taluka.	Village.	Survey numbers.

Bounded on the North by
East by
West by
South by

2. The specified area has been selected with a view to provide different target areas on different days, in order both to achieve variety in training and, at the same time, to avoid evacuation of any particular village or a group of villages continuously for the whole specified period. In the specified area, only such villages and areas as may be found to be in danger-zone in respect of a particular practice will be evacuated for such days as may be necessary for that practice and due notice of what constitutes the danger-zone in question will be given by the Revenue Officer in charge in the area concerned. In no case will all the villages in the specified area be evacuated simultaneously for the whole specified period.

3. A copy of the map of the area is also appended herewith.

4. A summary of the main provisions of the Act and the rules thereunder showing the rights and obligations of the residents in the area is appended hereto for general information.

SUMMARY OF THE MAIN PROVISIONS OF THE ACT AND RULES FRAMED THEREUNDER

Manœuvres.

1. *Notice of the intention of execution of military manœuvres.*—Before the execution of military manœuvres takes place over any specified area, there will first be published a notice in the *Bombay Government Gazette* notifying the intention of Government to issue a notification specifying the area over which and the period during which the military manœuvres shall take place. The publication of this notice shall be as wide as possible and shall be given (1) by publication in the principal newspapers of the area ; (2) by beat of drum ; (3) by affixing copies of the notice in the language of the locality in all prominent and public places in the area ; (4) by sending copies of the notice to selected non official bodies and associations , (5) by distributing copies of the notice at the weekly bazar places; agricultural, religious or other fairs, etc., if any, held before the date fixed for the manœuvres ; (6) in such other manner as the Collector of the district may deem necessary.

2. Not before the expiry of three months after the issue of the first notice in the *Bombay Government Gazette* the notification itself shall be published in the *Bombay Government Gazette* authorising the execution of military manœuvres over the specified area during a specified period which shall not exceed three months. Publicity to this notification also shall be given as widely as possible and fresh notices issued as in the case of the earlier notice one month and one week as nearly as may be before the commencement of the manœuvres.

3. *Actions allowed as regards the use of land and water in the specified area by military forces.*—During the period of the manœuvres, the military forces engaged in the manœuvres shall, within the specified limits, pass over, encamp or construct military works or execute military manœuvres and supply themselves with water from any source of water in such area.

4. *Restrictions imposed on the use of water supply and sacred places.*—But the taking of water shall not be in excess of the reasonable requirements of the military forces or shall not be of such quantity as would curtail the supply ordinarily required by those entitled to the use of such water supply.

5. The military forces are not authorised to enter upon or interfere with any well or tank held sacred by any religious community or any place of worship or ground attached thereto except for the legitimate purpose of offering prayers or any place or building reserved or used for the disposal of the dead, or any dwelling house or premises attached thereto or any educational institution, factory, workshop or store or any premises used for the carrying on of any trade, business or manufacture or any garden or pleasure ground, or any ancient monument as defined in section 2 of the Ancient Monuments Preservation Act, 1904.

6. *Restoration of lands.*—The Officer-in-Command of the military forces shall see that all lands used in the manœuvres are restored as far as practicable to their previous condition.

7. *Precautions to be taken in the danger-zone.*—The Collector of the district or any other officer deputed by him shall arrange for all thorough-fares, paths, by-ways and other approaches to the notified areas to be guarded by sign-boards, pickets, etc., on the day of the manœuvres or the practice. He shall also by beat of drum make known to the inhabitants of the area affected the following penal provisions of the Act.

8. *Acts prohibited for the public at large.*—Any person who (*i*) wilfully obstructs or interferes with the execution of the manœvres or (*ii*) without due authority enters or remains in any camp, or (*iii*) without due authority interferes with any flag or mark or any apparatus used for the purposes of the manœuvres, shall be punishable with fine which may extend to ten rupees.

9. *Provision as regards the claim and award of compensation to persons suffering loss or damage.*—Compensation for any damage caused by military manœuvres to person or property or for interference with lawful rights or privileges, including expenses reasonably incurred in protecting person, property, rights and privileges during the manœuvres shall be paid by military compensation officer in the presence of the Revenue Officer deputed by the Collector.

10. All claims to compensation should be made to the Revenue Officer by the person affected or by his agent within 72 hours from the announcement made by the Revenue Officer that all such claims should be presented to him.

11. It shall be the duty of the Revenue Officer so deputed to consider all claims for compensation and determine the amount of compensation to be awarded by investigation on the spot and after hearing the claimants and to disburse the amount to the claimants. In assessing the amount of compensation due care shall be taken to ascertain the amount of damage caused and the amount that will be required to remedy or repair that damage.

12. *Right of appeal.*—Any claimant who is dissatisfied with the order of the Revenue Officer refusing to award him any compensation or with the amount of compensation awarded to him may, within fifteen days from the communication of the decision to him, give notice to the Revenue Officer of his intention to appeal against the decision.

13. All appeals shall be decided by a Commission constituted by the Collector consisting of himself as chairman, a person nominated by the Officer Commanding, and two persons nominated by the District Board. The decision of the Commission shall be final and no suit shall lie in any civil court in respect of any matter decided by the Commission.

14. No fee shall be charged in connection with any claim, notice, appeal, application or document filed before the Revenue Officer, Collector or the Commission.

Field Firing and Artillery Practice.

15. *Notice of the intention of the execution of field firing and artillery practice.*—The first notice, notifying the intention of Government to issue a notification authorising field firing and/or artillery practice during a specified period over a notified area or any specified thereof, shall be published in the same manner as the notice issued for the execution of military manaeuvres.

16. *Publication of the Notification.*—The notification authorising the field firing and/or artillery practice shall not be issued until the expiry of two months from the date of the first publication of the notice in the *Bombay Government Gazette.*

17. A fresh notice shall be published one week as nearly as may be before the commencement of the period or of each period specified in the *notification* and the notice by beat of drum shall be given seven and two days as nearly as may be before the commencement of field firing and artillery practice in the areas concerned.

18. *Special provisions as regards the area declared to be a danger-zone.*—In such notified area, there will be some area which will be declared as a danger-zone by the Commanding Officer. This danger-zone area will be marked in bold red in one copy of the map previously published with the notice.

19. The danger-zone area shall be guarded by sign-boards, pickets, etc., on the day of the practice.

20. It should be remembered that all persons and domestic animals are bound to vacate the danger-zone area during the specified period and that they are not to enter that area during the specified period. The District Superintendent of Police or any other officer deputed by him shall arrange for evacuation under the supervision of the Revenue Officer deputed under section 6 of the Act.

21. If there are dwelling houses in the danger-zone occupied by women entry will be made after giving adequate warning, through a local inhabitant, and in the presence of two respectable inhabitants of the locality to ensure the exclusion of persons and domestic animals from the danger-zone area.

22. The compensation payable for exclusion or removal of any person or cattle from any place declared to be a danger-zone shall be paid before the evacuation is enforced ; it shall include compensation for any loss of employment resulting from any such removal or exclusion.

23. The Revenue Officer will usually disburse the amount of compensation before the evacuation but in rare cases may grant suitable advances in money to any persons requiring them for expenditure on transport, accommodation, food, fodder, etc., which shall be set off against the amount of compensation.

24. *Offences punishable.*—It should be remembered that within the notified area and during the specified period no person should (*a*) wilfully obstruct or interfere with the carrying out of field firing or artillery practice, or (*b*) without due authority enter or remain in any camp, or (*c*), without due authority enter or remain in any area declared to be a danger zone at a time when entry thereto is prohibited, or (*d*) without due authority interfere with any flag or mark or target or any apparatus used for the purposes of the practice, and if he does so he will be punishable with fine which may extend to ten rupees.

25. *Provisions as regards compensation, right of appeal, etc.*—The provisions as regards the claim for compensation, method of assessing the compensation, award of compensation or refusal of the claim, right of appeal, etc., mentioned above in the case of military manœuvres, apply in the case of field firing and artillery practice also.